

REMARKS

Claims 1-18 have been amended to cure the misspellings noted by the Examiner and to otherwise correct other misspellings and punctuation.

An Abstract has also been included.

Claims 1,2,7, 8, 13 and 14 each include that the imaging means simultaneously images all the encoded symbology from one or more articles; with claims 2, 8, 13 and 14 further setting out that there are a plurality of encoded articles all imaged simultaneously.

The reference to Shearer can only image the bar coded symbology of a single article at a time. There is no teaching, showing or suggestion in Shearer of imaging one or more, or a plurality, of symbology encoded articles simultaneously as claimed.

The Examiner is respectfully reminded that under 35 U. S. C. 102 the single reference must show every claimed element as claimed.

Claims 3-5, 9-11 and 15-17 patentably distinguish over Shearer for the reasons set out above. More importantly these claims include additional subject matter which further distinguishes them over Shearer as well as over Shearer in view of Gusmano.

Gusmano teaches and shows using multiple CCD's to image a single document. one document at a time; and not to simultaneously image multiple articles each with encoded symbology as claimed.

Claims 6, 12 and 18 patentably distinguish over Shearer in view of Gusmano for the reasons set out above. More importantly these claims include additional subject matter which further distinguishes them over Shearer in view of Gusmano as well as over Shearer in view of Gusmano and further in view of Cohen et al. While Cohen et al shows multiple bar code encoded test tubes in a rack it is important to remember that Cohen et al shows and teaches reading such bar codes one test tube at a time and not simultaneously for all test tubes. It appears that the Examiner has pieced together a number of features from a number of references none of which show, teach or suggest such a combination. Thus the Examiner must have relied upon Applicants teachings for same and Applicants teachings are not available for such purpose.

In view of the above claims 1-18 are definite and particularly point out and distinctly claim the claimed subject matter. Claim 3 further depends from claim 1 and 2 and, as such, there is antecedent basis for "the symbology".

Claims 1-18 further are patentable over, and patentably define over, the references of record, taken either singly or in combination. Allowance thereof and of this application is in order and such action is respectfully solicited.

Respectfully submitted,



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